

This is the version of the Ervin  
Bill on Rights of Privacy of Federal  
Employees that we hope will be  
reported out of House Post Office  
and Civil Service if the bill is acted  
upon.

PLC

Cary

*gll*

STAT

PLC I don't think the codifiers  
will be confused (maybe that's the point)  
But as written it looks like our exception  
may ~~not~~ appear in a note rather than in new  
Subchapter III = LLM

Mo 74-1196 S.1688

OGC 74-0953  
6 June 1974

MEMORANDUM FOR:

[Redacted]

OLC

STAT

SUBJECT : Comments on H. R. 13038

1. H. R. 13038, as you know, would establish a broad range of rights of Federal employees with the right to file a grievance with the agency involved and to appeal from that agency to a Board on Employees' Rights and then to the courts.

2. The rights which would be provided by the proposed Section 7173 of Title 5, beginning at p. 2 of the bill, involve such matters as eliciting information from the employee concerning his race, religion, or national origin; requiring the employee to attend functions not related to his duties or to training; requiring the employee to participate in any activity or undertaking not related to duties or training; polygraph or psychological testing concerning the individual's relationship with persons related to him or concerning his religious beliefs or practices or his attitude or conduct with respect to sexual matters; requiring employees to invest in U. S. securities or to make donations; and requiring disclosures concerning property interests of the employee or his family. Exceptions for national security purposes are provided with respect to the first and fourth of the items mentioned above.

3. The provisions which establish the above rights do not apply to, among other components, the Central Intelligence Agency. I believe the rights enumerated, with the saving provisions, would not adversely affect the operations or interests of this Agency and in any event, they are not applicable to CIA. I would think, therefore, that the Agency's position could be that we have no objection to the bill as long as the national security exceptions and the CIA exemption are retained in it.

[Redacted]

Associate General Counsel

STAT